

REMARKS

Claims 1-4 and 6-22 remained in this application prior to this amendment, and presently stand rejected under 35 USC §103.

Previously pending claims 1-13, 17, 18, and 20-22 stand rejected under 35 USC 103(a) as unpatentable over Baerlocher '711 and Baerlocher '015. Previously pending claims 14-16 and 19 stand rejected over these citations, and further in view of Baerlocher '573.

Independent and new claims 23 and 31 recite that the award sets include either positive value integers or non-winning outcomes; the total number of the integers having a positive value in any one of the award sets is not equal to the total number of the integers in any other of the award sets. A selection is made among these award sets which have different numbers of positive integers.

In contrast, Baerlocher '711 describes only alternative award sets having the same number of positive value awards. Referring to Figure 3 of Baerlocher '711, at each level the selection is made between award sets that have the same number of positive value awards. At levels 1, 2 and 3 there are four positive values in both of the award sets. At levels 4 and 5 there are two positive values in both award sets. This equivalence in the number of positive value awards is maintained in Figures 6-9 of Baerlocher '711.

Baerlocher '015 does not provide any teaching that the person of ordinary skill in the art should vary from this approach. In particular, the value display 36 and the multiplier display 38 in Figs 1, 4 and 5 of Baerlocher '015 show choices with the same number of positive value integers (four, eight and seven respectively).

Baerlocher '573 also does not provide any teaching that the person of ordinary skill in the art should vary from this approach. Furthermore, Baerlocher '573 describes a simulated wheel 408 divided into a plurality of regions, which are evenly spaced (column 5, line 66-67), (column 9, line 42). Thus, Baerlocher '573 does not describe providing alternative award sets from which a selection is made. Instead, Baerlocher '573 discloses a series of sequential award sets.

In addition, new claims 23 and 31 recite that the positive value for all integers in any one award sets is equal to a sum total of the positive value for all integers in any other of the award sets. This is in contrast to Baerlocher '711 where all the alternative award sets sum to a different amount (see, for example the alternative award sets at each and every level in Figure 8). In Baerlocher '573, the alternatives also do not sum to the same amount. In fact, Baerlocher '573 discloses bonus wheel award sets for which the sums get progressively larger (with suggested multipliers) with each wheel award set (column 8, lines 30-33 and lines 43-45).

It is respectfully submitted that new claims 23 and 31 are patentable for the above two differences individually. The combination of providing variable numbers of positive value awards between award sets from which a selection is made together with the sum being the same has advantages over the prior art. This structure is better suited to accommodating games where a high range of volatility between the award sets is required.

Using the invention as claimed, the difference in volatility may be presented to the player in a clearer, more intuitive form, allowing easy and fast determination of the characteristics of the alternative award sets, because the values of each award set are visible at all times. This is in contrast to Baerlocher '711 where there are equal numbers of positive value awards in each award set, where the player would need to determine the respective values of the members of each award set to determine the difference in volatility. In Baerlocher '711, the award sets are not presented to the player until after the award set has been randomly assigned (column 9, lines 8-17).

Claims 24-30 and 32-38 are allowable for the same reasons given as to claims 23 and 31. In addition, the differences set forth above are further exemplified by claims 27-30 and 35-38, which are claims defining particular combinations of elements not taught or suggested by the cited references.

The claimed invention also permits the expected return to player of the award sets to remain identical in the case that the award sets have the same number of members.

In addition, nothing in any of the cited references describes any ability to select more than one award set, as defined in claims 24, 25 and 31, 32. Baerlocher '711 discloses selecting only one award set per level. Baerlocher '015 discloses selecting a value and a multiplier, not multiple award sets. Baerlocher '573 discloses a set of sequentially triggered award sets which the player does not select.

It is respectfully submitted that new claims 23-38, are now in condition for allowance. Reconsideration is requested, and a Notice of Allowability solicited.

Respectfully submitted,

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